



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,879	04/21/2004	Simon Reeves	019287-0324276	5595
909 7590 05/03/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER WEISKOPF, MARIE	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/828,879

Applicant(s)

REEVES, SIMON

Examiner

Marie A. Weiskopf

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 12-22 are directed towards software and therefore is not a physical "thing". It is neither computer components nor statutory processes, as it is not "acts" being performed. Please see MPEP 2106.01 I.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 11, 12-17, 22, 23-28, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 2002/0042277).

- In regard to claims 1, 12 and 23, Smith discloses a method, a computer program on computer readable medium and a system for providing location data of a mobile device using a web service, comprising:
  - Receiving location data associated with a mobile device, the mobile device operable to transmit a wireless signal including corresponding location data (paragraph 24)

Art Unit: 3661

- Receiving a location request from a client using a web service, the location request comprising information identifying the mobile device and the client (paragraphs 24 and 49)
  - Automatically communicating a response to the location request based on the location data associated with the mobile device (paragraph 25)
- In regard to claims 2, 13 and 24, the location data comprising a geographic location and a time stamp (paragraph 25)
- In regard to claims 3, 14 and 25, further comprising determining request permissions associated with the mobile device based on the identified client (paragraph 19)
- In regard to claims 4, 15 and 26, the location request comprising a monitoring request and a criteria for comparing location data (paragraphs 49 and 50)
- In regard to claims 5, 16 and 27, further comprising, periodically receiving additional location data associated with the mobile device, comparing the received location data associated with the mobile device to the criteria and automatically communicating an alert to the client in response to the location data satisfying the criteria. (paragraph 50)
- In regard to claims 6, 17 and 28, the criteria comprising arriving at a location (paragraph 50)
- In regards to claims 8, 19 and 30, the criteria comprising the mobile device crossing a geographic perimeter. (paragraph 50) The mobile device or the client are able to select a designated location on when to send an alert.

- In regard to claims 11, 22 and 33, sending a permission request to the mobile device for the clients and providing access to the location data associated with the mobile device based on a mobile device response to the permission request (paragraph 24)
- In regard to claim 34, a method for providing a location data of a mobile device using a web service, comprising:
  - Receiving location data associated with a plurality of mobile devices, each mobile device operable to transmit a wireless signal encoding corresponding location data, the location data comprising a geographic location and a time stamp (paragraphs 24 and 25)
  - Receiving a location request from a client using a web service, the location request comprising a monitoring request, criteria and information identifying the mobile device and the client (paragraphs 49 and 50)
  - Automatically communicating a response to the location request based on the location data associated with the mobile device (paragraph 49)
  - Periodically receiving additional location data associated with the mobile device (paragraph 49)
  - Comparing the received location data associated with the mobile device to the criteria (paragraph 50)
  - Automatically communicating an alert to the client in response to the location data satisfying the criteria (paragraph 50)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 2002/0042277). Smith fails to specifically disclose the criteria comprising a determination of a location of a first mobile device within a specified distance of a second mobile device, however, Smith does disclose being able to monitor multiple devices and being able to specify locations at which the client receives an alert about the location. It would have been obvious to one having ordinary skill in the art at the time of the invention to include sending an alert when mobile clients are nearby each other if the job of the employees is to meet together since it is tracking employees.

6. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 2002/0042277) in view of Meadows et al (US 6,716,101). Smith fails to disclose the response comprising a route that the mobile device travels between a first and a second location and the response comprising a speed that the mobile device travels over a period of time. Meadows et al discloses this. (Column 5, lines 22-29) It would have been obvious to one having ordinary skill in the art at the time of the invention to include the traveling speed and route taken for a mobile device in order for a client to easily monitor the activities of an employee or child.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MW

  
**THOMAS BLACK**  
**SUPERVISORY PATENT EXAMINER**